



COPY

Docket No. 49658-0025

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MARTIN LIVESEY

Serial No.: 09/183,621

Group Art Unit: 2779

Filed: October 30, 1998

Examiner: Chante' Harrison

For: APERIODIC TILING OF TEXTURED IMAGES

**PETITION, DRAWINGS AND FEE TO INCLUDE COLOR DRAWINGS
UNDER 37 CFR 1.84(a)(2)**

Box DAC
Commissioner of Patents
Washington, D.C. 20231

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FEB 28 2001
Technology Center 2779

Sir:

The Applicant hereby respectfully petitions for inclusion of color drawings in the application referenced above pursuant to 37 CFR 1.84(a)(2).

There are three drawings in the above referenced application that must be shown in color, specifically Figures 1, 2B, and 5. These drawings illustrate, respectively, a tile depicting a grass texture, a target area that is tiled with the grass texture tile in a periodic tiling pattern, and a target area that is tiled with the grass textured tile in an aperiodic tiling pattern.

Application of Livesey
Petition for Color Drawings



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Color images for these three drawings are the only practical medium to disclose the subject matter sought to be patented. Specifically, the linear repetitions evident in Figure 2B, and the lack of such linear repetitions in Figure 5, are not observable in mere black and white drawings due to the subtle differences in shading. The Office is referred to the enclosed black and white versions of Figures 1, 2B, and 5.

Being able to observe these linear repetitions is important to understanding the application because one of the improvements resulting from the subject matter being claimed is the elimination of such linear repetitions. For example, when a tile, such as that shown in Figure 1, is repeated in a periodic tiling pattern, such as in Figure 2B, one can readily discern the periodic pattern of light and dark shading when the single tile of Figure 1 is replicated to cover the target area. However, one of the advantageous results of applying the claimed subject matter is the elimination of those linear repetitions, as shown in Figure 5.

Pursuant to 37 CFR 1.84(a)(2)(i), included with this petition is a check for the filing fee of \$130.00 for this petition as specified in 37 CFR 1.17(i).

Pursuant to 37 CFR 1.84(a)(2)(ii), included with this petition are three (3) sets of each color drawing to be included in the application referenced above.

Pursuant to 37 CFR 1.84(a)(2)(iii), the specification in the above referenced application has been amended in the Response of September 21, 2000 to the Office Action mailed June 21, 2000.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Application of Livesey
Petition for Color Drawings



COPY

Based on the foregoing, it respectfully submitted that applicant has shown good and sufficient reasons why it is necessary to include color drawings in the application referenced above as requested.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER
LLP



Craig G. Holmes
Reg. No. 44,770

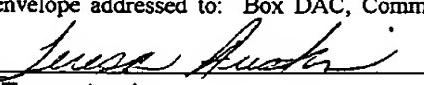
1600 Willow Street
San Jose, CA 95125
(408) 414-1080
Date: October 18, 2000
Facsimile: (408) 414-1076

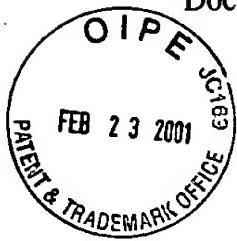
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231
on October 18, 2000 By: 
Teresa Austin



Docket No. 49658-0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MARTIN LIVESEY

Serial No.: 09/183,621

Filed: October 30, 1998

For: APERIODIC TILING OF TEXTURED IMAGES

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FEB 28 2001

Group Art Unit 2779

Examiner: Chante' Harrison

Technology Center 2600

RE-SUBMISSION OF ORIGINAL

**PETITION, DRAWINGS AND FEE TO INCLUDE COLOR DRAWINGS
UNDER 37 CFR 1.84(a)(2)**

Attn: *Supervisory Patent Examiner, Group 2779*
Commissioner of Patents
Washington, D.C. 20231

Sir:

Enclosed is a *copy* of the original petition for inclusion of color drawings pursuant to 37 CFR 1.84(a)(2) for the application referenced above. The original petition was originally filed by the Applicant on October 18, 2000. In addition to the original petition, three additional sets of the color drawings, specifically Figures 1, 2B, and 5, are enclosed. This transmittal has been marked for the attention of the Supervisory Patent Examiner, Group 2779, because MPEP §1002.02(d) indicates that petitions for color drawings under 37 CFR 1.84 are decided by the Supervisory Patent Examiners.

Application of Livesey
Re-submittal of Petition for Color Drawings

This petition was originally filed by the Applicant on October 18, 2000 and received by the United States Patent and Trademark Office (hereinafter Office) on October 23, 2000, as indicated by the stamp on the enclosed copy of the acknowledgement postcard. To date, the Applicant has not received any communication from the Office regarding the enclosed petition. As a result, the Applicant made three phone inquiries on February 12, 2001: the first was to the Group receptionist at (703) 305-3900; the second was to the examiner of the above referenced application, C. Harrison, at (703) 305-3937; and the third to the Office of Petitions at (703) 305-9285.

As a result of the inquiry to the Group receptionist, the Applicant was informed that the Office's computer system showed that a "miscellaneous letter" was received on October 23, 2000, which corresponds to the date stamped on the acknowledgement postcard received by the Applicant from the Office. The Applicant was informed by the Group Receptionist that there were no other entries appeared regarding a petition for color drawings or the miscellaneous letter in the Office's computer system. The Group receptionist recommended re-submitting the petition.

As a result of the Applicant's inquiry to the examiner, the Applicant was told that no record could be found in the Group regarding the petition for color drawings, and the examiner recommended contacting the Office of Petitions. The Applicant contacted the Office of Petitions and was informed that there was no record of a petition for color drawings, and the Applicant was advised to contact the examiner because such petitions are handled by the Group.

As a result of the above inquiries, the Applicant is re-submitting the petition for color drawings including a copy of the acknowledgement postcard received from the Office, a copy of the check included with the original petition, a copy of the fee transmittal sheet, a

Application of Livesey
Re-submittal of Petition for Color Drawings

copy of the petition as filed on October 18, 2000 that includes copies of the originally submitted black and white versions of the drawings and photocopies of the originally submitted color drawings, and three additional sets of the color drawings.

The Office is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of the enclosed petition for color drawings.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

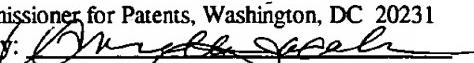
HICKMAN PALERMO TRUONG & BECKER
LLP



Craig G. Holmes
Reg. No. 44,770

1600 Willow Street
San Jose, CA 95125
(408) 414-1080
Date: February 20, 2001
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: *Attn: Supervisory Patent Examiner, Group 2779, Commissioner for Patents, Washington, DC 20231* on February 20, 2001 By: 
Annette Jacobs

FEB 23 2001



PTO/SB/17 (12/99)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete If Known	
Application Number	09/183,621
Filing Date	October 30, 1998
First Named Inventor	Martin Livesey
Examiner Name	Chante' Harrison
Group/Art Unit	2779
Attorney Docket No.	49658-0025

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1302

Deposit Account Name Hickman Palermo Truong & Becker, LLP

Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17

2. Payment Enclosed:

Check Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
101 710	201 355	Utility filing fee	710.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES

Total Claims	-20**=	Extra Claims	Fee from Below	Fee Paid
Independent Claims	-3***=		X 18.00	
Multiple Dependent			X 80.00	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 80	202 39	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	**Reissue independent claims over original patent
110 18	210 9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,210	241 605	Petition to revive - unintentional	
142 1,210	242 605	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130.00
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 690	246 345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 690	249 345	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)			
Other fee (specify)			

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 130.00)

SUBMITTED BY	Complete (if applicable)		
Name (Print/Type)	Craig G. Holmes	Registration No. (Attorney/Agent)	44,770 Telephone (408) 414-1080
Signature		Date	October 15, 2000

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



1216

HICKMAN PALERMO TRUONG & BECKER LLP

PTO PAYMENT ACCOUNT
1600 WILLOW STREET
SAN JOSE, CA 95125

HERITAGE BANK OF COMMERCE
SAN JOSE, CA 95113
90-4228-1211

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PAY TO THE
ORDER OF Commissioner of Patents

\$ 130.00

One hundred thirty

DOLLARS

MEMO 49658-0025

1001216 01211422870 001566660

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Mailing Date: October 2, 2000
Attorney Docket No. 49658-0025
Serial No.: 09/183,621
Inventor(s): Martin Livesey
Title: PERIODIC TITLING OF

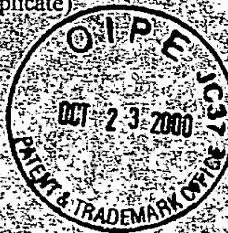
Attorney CGH/tal
First Class Mail

Title: APERIODIC TILING OF TEXTURED IMAGES

Documents Enclosed

- 1) Petition Drawings and Fee to include Color Drawings with Certificate of Mailing (3pgs).
 - 2) 3 sheets of formal Color Drawings (submitted in triplicate).
 - 3) 3 sheets of Black and White Drawings.
 - 4) Fee Transmittal (1 pg) in duplicate.
 - 5) Check in the sum of \$130.00
 - 6) Return Acknowledgment Postcard.

Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.



Back side of
Acknowledgement
Post card showing

The Official Stamp
RECEIVED
Oct 28, 2000
FEB 23, 2001

Technology Center 2600

Front Side
of Acknowledged
Post card
Showing a
post mark &
October 24, 2000.

